

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, ex rel.	:	
ELLSWORTH ASSOC., LLP,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	NO. 19-2553
	:	
CVS HEALTH CORPORATION, et al.	:	
Defendants.	:	

ORDER

AND NOW, this 10th day of March, 2023, upon consideration of Defendants’ Motion to Dismiss Plaintiff-Relator’s Second Amended Complaint (“SAC”) (ECF No. 35), it is hereby **ORDERED** that Defendants’ Motion (ECF No. 35) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants’ Motion is **GRANTED** with respect to Plaintiff-Relator’s claim under Count IV.
2. Defendants’ Motion is **DENIED** with respect to Plaintiff-Relator’s claims under Counts I, II, and III.

IT IS ALSO ORDERED that Defendants’ Motion to Amend the Court’s Order Unsealing the Second Amended Complaint (ECF No. 40) is **DENIED** as **MOOT**.¹

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge
JUDGE JOHN MILTON YOUNGE

¹ Given that three of Plaintiff-Relator’s claims are now proceeding to the discovery phase, the information in the unredacted SAC can be handled via discovery and the parties, should they choose, can execute a stipulated protective order. Should the parties object to the production of this information in discovery, the proper format would be through discovery motions.